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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,429	07/05/2005	Cornelis Stinis	5100-000010/US	2505

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HARNESS, DICKEY & PIERCE, P.L.C.
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RESTON, VA 20195

EXAMINER

OKEZIE, ESTHER O

ART UNIT	PAPER NUMBER
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3652

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,429

Applicant(s)

STINIS ET AL.

Examiner

Esther O. Okezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-28 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/10/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7,12,13,16,17 and 21,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindstrom US Patent Application Publication 2003/01893348. Lindstrom discloses a hoisting frame (1) comprising: means (14) arranged on an upper side of the frame, for connecting the frame to at least two hoisting cables (2) suspended at a mutual distance in a longitudinal direction of the hoisting frame; and means, arranged on an underside of the frame, for picking up at least one secondary hoisting frame (6,7), wherein the frame is adjustable in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame, and an extended position in which the transverse dimension is larger than that of the secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up

two mutually adjacent secondary hoisting frames in the extended position; wherein the frame is divided in longitudinal direction, the frame parts are movable relative to each other at least in transverse direction and the pick-up means comprise a number of pick-up elements (3) distributed over the frame parts; wherein a controllable means (8) for moving the frame parts away from and toward each other; wherein the moving means (8) comprise at least one member of adjustable length which connects the frame parts; wherein the moving means comprise at least one actuator (8) co-acting with the at least one connecting member wherein the at least one connecting member (10) is a pivotable arm; wherein the arm is pivotable substantially parallel to a main plane of the hoisting frame; wherein each pivotable arm (10) is substantially symmetrical relative to a longitudinal center line of the hoisting frame; wherein the connecting means are adapted to connect the hoisting frame to at least two pairs of hoisting cables suspended at a distance from each other in longitudinal direction of the hoisting frame, and are divided in longitudinal direction such that each frame part can be connected to at least two hoisting cables (fig 5);

2. Claims 1-5,16,20-22 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim et al US Patent Application Publication 2005/0225104. Lim et al. discloses a hoisting frame (1) comprising: means (14) arranged on an upper side of the frame, for connecting the frame to at least two hoisting cables (2) suspended at a mutual distance in a longitudinal direction of the hoisting frame; and means, arranged on an underside of the frame, for picking up at least one secondary hoisting frame (6,7), wherein the frame is adjustable in a transverse direction between a retracted position, in

which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame, and an extended position in which the transverse dimension is larger than that of the secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position; wherein the frame is divided in longitudinal direction, the frame parts are movable relative to each other at least in transverse direction and the pick-up means comprise a number of pick-up elements (3) distributed over the frame parts; wherein a controllable means (8) for moving the frame parts away from and toward each other; wherein the moving means (8) comprise at least one member of adjustable length which connects the frame parts; wherein the moving means comprise at least one actuator (8) co-acting with the at least one connecting member wherein the at least one connecting member (10) is a pivotable arm; wherein the frame parts are movable relative to each other in longitudinal direction; wherein the or each secondary hoisting frame is adjustable in longitudinal direction; a method for transferring loads, comprising the steps of: a) lowering a hoisting frame as claimed in claim 1 at a first location, b) picking up one load at the first location when the hoisting frame is retracted, or two loads when the hoisting frame is extended, c) lifting the hoisting frame with the picked-up at least one load, d) displacing the hoisting frame with the picked-up at least one load to a second location, e) lowering the hoisting frame with the picked-up at least one load at the second location, f) uncoupling the at least one load from the hoisting frame, g) lifting the hoisting frame, h) moving the hoisting frame from its retracted to its extended position or from its extended to its retracted

position, wherein a secondary hoisting frame is coupled on or uncoupled, and i) repeating steps (a) to (g); wherein the method is for transferring containers.

3. Claims 1-9 and 12-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tax et al. US 3,709,543. Tax et al. discloses a hoisting frame (12) comprising: means arranged on an upper side of the frame, for connecting the frame to at least two hoisting cables (21) suspended at a mutual distance in a longitudinal direction of the hoisting frame; and means, arranged on an underside of the frame, for picking up at least one secondary hoisting frame, wherein the frame is adjustable in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame, and an extended position in which the transverse dimension is larger than that of the secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position; wherein the frame is divided in longitudinal direction, the frame parts are movable relative to each other at least in transverse direction and the pick-up means comprise a number of pick-up elements (26) distributed over the frame parts; wherein a controllable means (8) for moving the frame parts away from and toward each other; wherein the moving means (44') comprise at least one member of adjustable length which connects the frame parts; wherein the moving means comprise at least one actuator co-acting with the at least one connecting member wherein the at least one connecting member is a pivotable arm (40); wherein the arm is pivotable

substantially parallel to a main plane of the hoisting frame; wherein each pivotable arm is substantially symmetrical relative to a longitudinal center line of the hoisting frame; wherein the connecting means are adapted to connect the hoisting frame to at least two pairs of hoisting cables suspended at a distance from each other in longitudinal direction of the hoisting frame, and are divided in longitudinal direction such that each frame part can be connected to at least two hoisting cables (fig 1); wherein the at least one pivotable arm is connected to the frame part via a pivot (42'), and the actuator (44') is arranged between the arm and the pivot; characterized by at least two pivotable arms which are each moved by at least one associated actuator (col. 3, lines 26-39); wherein each pivotable arm is substantially symmetrical relative to a longitudinal center line of the hoisting frame; wherein the connecting means are adapted to connect the hoisting frame to at least two pairs of hoisting cables suspended at a distance from each other in longitudinal direction of the hoisting frame, and are divided in longitudinal direction such that each frame part can be connected to at least two hoisting cables (fig 1); wherein the connecting means comprise cable pulleys (20), and each frame part carries at least two cable pulleys placed at a distance from each other in longitudinal direction; wherein the pick-up elements are placed substantially straight under the cable pulleys in the extended position of the hoisting frame; wherein in the extended position the frame is adjustable in transverse direction in order to vary a space between the two secondary hoisting frames; wherein the frame parts are pivotable relative to each other in the plane of the hoisting frame; wherein the frame parts are pivotable relative to each other transversely of the plane of the hoisting frame; characterized by at least one actuator

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arranged between the rotation axis of one of the cable pulleys and the frame part;
wherein the frame parts are movable relative to each other in longitudinal direction;
wherein the or each secondary hoisting frame is adjustable in longitudinal direction; a
method for transferring loads, comprising the steps of: a) lowering a hoisting frame as
claimed in claim 1 at a first location, b) picking up one load at the first location when the
hoisting frame is retracted, or two loads when the hoisting frame is extended, c) lifting
the hoisting frame with the picked-up at least one load, d) displacing the hoisting frame
with the picked-up at least one load to a second location, e) lowering the hoisting frame
with the picked-up at least one load at the second location, f) uncoupling the at least
one load from the hoisting frame, g) lifting the hoisting frame, h) moving the hoisting
frame from its retracted to its extended position or from its extended to its retracted
position, wherein a secondary hoisting frame is coupled on or uncoupled, and i)
repeating steps (a) to (g); wherein the method is for transferring containers.

Allowable Subject Matter

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EOO 6/9/07


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER